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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SHARPER IMAGE CORPORATION, a
Delaware corporation,

Plaintiff,

v.

BROOKSTONE COMPANY, INC., a New
Hampshire corporation,

Defendant.

Case No. 04-1572 MMC

**Order Granting Sharper Image
Corporation's Unopposed Motion to Stay
Litigation Pending Reissue Application
Proceedings**

This matter came to be heard on Sharper Image Corporation's Unopposed Motion to Stay Litigation Pending Reissue Application Proceedings. The Court has considered the Motion, and good cause being shown therefore,

IT IS HEREBY ORDERED THAT, Sharper Image Corporation's Unopposed Motion to Stay Litigation Pending Reissue Application Proceedings is GRANTED. This Court has the discretion to grant a stay of litigation pending reissue proceedings at the United States Patent and Trademark Office ("PTO"). *See Gould v. Control Laser Corp.*, 705 F.2d 1340, 1341 (Fed. Cir. 1983). There is a liberal policy in favor of granting motions to stay proceedings pending the

1 outcome of [PTO] reexamination or reissue proceedings.” *ASCII Corp. v. STD Entertainment USA,*
2 *Inc.*, 844 F. Supp. 1378, 1380-81 (N.D. Cal. 1994).

3 Accordingly, this litigation, including discovery, is stayed pending PTO reissue proceedings
4 for United States Patent Number 6,713,026.

5 The Court will hold a case management conference on September 30, 2005, at 10:30 a.m.

6 The parties shall file a joint case management statement no later than September 23, 2005.

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8 Dated: January 28, 2005

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10 /s/ Maxine M. Chesney

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United States District Court Judge
12 Maxine M. Chesney
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